

Appl. No. 10/689,342
Arr. Docket No. CM2536CQ
Amdt. dated April 21, 2005
Reply to Office Action of January 26, 2005
Customer No. 27752

REMARKS

Claims 1 - 18 are pending in the present application. Claims 15-18 have been withdrawn from consideration. No additional claims fee is believed to be due.

Rejection Under 35 USC 103(a) as being unpatentable over Raidel et al (6171682) in view of either Swartz (4267223) or Davis et al (3839137)

The Office Action rejects claims 1, 2 and 8-13 under 35 U.S.C. 103(a) as being unpatentable over Raidel et al (6171682) in view of either Swartz (4267223) or Davis et al (3839137).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992); MPEP § 2143.01. Second, there must be a reasonable expectation of success. In *re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP § 2143.02. Third, the prior art reference or combined references must teach or suggest all the claim limitations. In *re Royka*, 490 F.2d 981 (CCPA 1974); MPEP § 2143.03. Furthermore, in establishing a prima facie case of obviousness, case law clearly places the "burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103." In *re Warner*, 379 F.2d 1011, 1016 (CCPA 1967).

According to the Office, Raidel et al teaches a self-bonded corrugated fiber sheet wherein the thermoformed portions (patterned fusion bonded regions) are located parallel to the corrugations in order to fix the corrugations (i.e. to provide stability thereto). The Office refers to Figure 11 and column 7, lines 24-34 of Raidel and explains that the difference between the cited reference and the Applicants' invention is that the applicants' invention forms embossed heat patterns that are non-parallel to the corrugations.

It appears that the Office has misconstrued the section of Raidel referenced above. Instead of describing the alternative to using an additional backing web as thermoformed

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portions, Raidel actually describes that the corrugated web can be plastically deformed at the peaks 24 of the corrugations between stamping rollers having a corrugated cross-section. Raidel further explains that the effect can also be obtained or increased by thermal or chemical-physical action such as spraying with a hardening material. Nowhere does Raidel describe the plastically deformed peaks as thermoformed portions much less bonded pattern regions of heat or melt fusion bonded regions.

The Office Action further explains that secondary references, Swartz (4267223) or Davis et al (3839137), teach to form thermo-embossed pattern lines that run non-parallel to the corrugations in a plastic sheet for the purpose of stiffening the sheet (i.e. to provide stability thereto). The Office references figures 7 and 10 in Swartz showing thermo-embossed lines 77 and 77' that run transverse to the corrugations formed by the projection 70 and 70' in the roll 38. According to the Office, Swartz also teaches that the lines can run either parallel or transverse to the corrugations (column 1, lines 60-64).

Applicants' respectfully disagree with the Office's findings regarding the Raidel/Swartz combination. First, Swartz discloses a conventional corrugated plastic board where face sheets are welded to the apexes of the corrugations where as Raidel discloses a absorbent article comprising a corrugated web. Thus, there is no motivation to combine the teachings of Raidel with those of Swartz. Further, even if the motivation were to exist, Swartz does not disclose a self bonded corrugated web as claimed in claim 1 and described in the specification at page 13, lines 20-29 as being different from conventional processes. Therefore, the combination of Raidel and Swartz does not result in the Applicants' invention.

With regards to Davis et al, Raidel provides no motivation to combine its teaching directed to an absorbent article including a corrugated web with the teachings of Davis directed to a corrugated film. The absorbent article in Raidel is distinguished in that the liquid permeable cover sheet and or the absorbent body comprises corrugations. Since Davis discloses polymeric films which are not liquid permeable, there is no motivation to combine Davis with Raidel. Even if the motivation were to exist, Applicants' claimed invention is patentable over Raidel in view of Davis for the following reasons.

Office refers to figure 1 of Davis showing heat embossed lines 10 running transverse to the corrugation and the Abstract describing that the corrugated polymeric

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film can be stiffened in the direction transverse to corrugation lines by creating flattened lanes in the transverse direction. Column 2, lines 3-15 and 60-67 of Davis et al describes the flattened lanes as being ironed flat.

Although Davis may disclose a polymeric film stiffened by way of flat lanes running transverse to the corrugations, Davis does not disclose a self bonded corrugated web having a primary pre-bonded layer of thermoplastic fibers, much less a corrugated web including a primary bonding pattern of heat or melt-fusion bonded regions forming a plurality of primary bonding pattern lines. Therefore, Raidel in combination with Davis does not result in the applicants' invention.

Consequently, for the foregoing reasons, claims 1, 2 and 8-13 are patentable over Raidel et al (6171682) in view of either Swartz (4267223) or Davis et al (3839137).

The Office has also rejected Claims 3-7 under 35 U.S.C. 103(a) as being unpatentable over Raidel et al in view of either Swartz or Davis et al as applied to claim 1, 2 and 8-13 above, and further in view of either Ives (1975548) or Tanaka et al (6506472). In addition to the foregoing reasons for the Applicants' invention being patentable over Raidel et al (6171682) in view of either Swartz (4267223) or Davis et al (3839137), Claims 3-7 are patentable over the combination in further view of either Ives or Tanaka since there is no motivation to combine Ives or Tanaka with Raidel, Swartz or Davis.

Ives discloses fabrication of corrugated paper to be used for wrapping purposes. Column 1 lines 29-39 describes that depressions or recesses are arranged in the corrugations along criss-crossing lines running diagonally across the corrugations to enable the paper to flex. The reference says nothing about corrugated webs with stabilizing bonding patterns much less corrugated webs for use in disposable absorbent articles. Therefore, there is no motivation to combine Ives with Raidel, Swartz or Davis.

Further, Tanaka discloses a composite sheet including a base layer of thermoplastic nonwoven fabric and a surface layer of a multiplicity of thermoplastic continuous fibers attached to the basis layer via a plurality of attaching lines where as the attaching lines are formed by heat and pressure. Tanaka provides no disclosure pertaining to corrugated webs much less corrugated webs with bonding patterns for stabilizing the

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corrugations. Therefore, there is no motivation to combine Tanaka with Raidel, Swartz or Davis.

Consequently, claims 3-7 are patentable over Raidel et al in view of either Swartz or Davis et al, and further in view of either Ives or Tanaka et al.

The Office Action also rejects claim 14 under 35 U.S.C. 103(a) as being unpatentable over Raidel et al in view of either Swartz or Davis et al as applied to claim 1, 2 and 8-13 above, and further in view of Easley (3653382). According to the Office, the combination of Raidel et al and either Swartz or Davis et al teaches the invention substantially as recited except for the corrugations being deformed (i.e. flattened into a pleated type structure) as recited in claim 14 and shown by applicants' figures 4B and 4C. According to the Office, Easley et al teaches to form embossed patterned lines 6 that run non-parallel to the flattened corrugations.

Applicants respectfully disagree with the Office's interpretation of Easley as well the motivation to combine Easley with the other aforementioned references. Easley describes a folded planar airfelt absorbent pad including embossed lines 6 for maintaining the folded integrity of the absorbent. Easley does not disclose a corrugated web much less a self bonded corrugated web having a primary pattern of heat or melt-fusion bonded regions forming a plurality of bonding pattern lines for stabilizing corrugations. Consequently, not only does the aforementioned combination with Easley not result in the Applicants' invention, the necessary motivation fails to exist for combining Easley with the other references. Thus, claim 14 is patentable over Raidel et al in view of either Swartz or Davis et al and further in view of Easley.

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of

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the foregoing, Applicants respectfully request reconsideration of this application and allowance of Claims 1-14.

Respectfully submitted,
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